

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**ANGELA BOND,
APPELLANT
vs.**

**SITE LINE SURVEYING,
RESPONDENT**

**TREASURER OF THE STATE OF MISSOURI-CUSTODIAN OF THE SECOND
INJURY FUND,
RESPONDENT**

DOCKET NUMBER WD72142

DATE: OCTOBER 12, 2010

Appeal from:

The Labor and Industrial Relations Commission

Appellate Judges:

Division Two: Victor C. Howard, P.J., Thomas H. Newton and Gary D. Witt, JJ.

Attorneys:

David A. Slocum, for Appellant

Douglas M. Greenwald, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

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ANGELA BOND, APPELLANT

v.

SITE LINE SURVEYING, RESPONDENT

**TREASURER OF THE STATE OF MISSOURI-CUSTODIAN OF THE SECOND
INJURY FUND, RESPONDENT**

WD72142

Labor and Industrial Relations Commission

Before Division Two Judges: Victor C. Howard, P.J., Thomas H. Newton and Gary D. Witt, JJ.

Angela Bond (Employee) appeals the final award of the Labor and Industrial Relations Commission (Commission) denying her workers' compensation benefits. The Commission found that Employee's injury did not arise out of and in the course of her employment. On appeal, Employee claims that the Commission's final award was not supported by substantial and competent evidence.

AFFIRMED.

Division Two holds:

Where evidence was presented that Employee suffers from a seizure disorder that has resulted in broken bones in the past and that she suffered from a seizure and fell out of bed injuring her wrist, the Commission's finding that Employee's injury did not arise out of and in the course of her employment was supported by substantial and competent evidence upon the whole record. Also, the Commission was free to disregard the only medical expert who opined that Employee's fall at work caused her injury because his opinion seemingly was not based on medical judgment but rather on the history provided to him by Employee and the doctor's own determination of witnesses' credibility, the doctor's report did not indicate that he was even aware of the other possible cause of Employee's injury, and reference to the Commission's award showed that the Commission did not believe the doctor's opinion.

Opinion by: Victor C. Howard, Judge

Date: October 12, 2010

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